

Remarks:

Reconsideration of the application is requested.

Claims 1-17 remain in the application. Claim 1 has been amended. Claims 14-17 have been withdrawn.

In the section entitled "Claim Rejections - 35 USC § 112" on pages 2-3 of the above-identified Office action, claims 1-13 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

More specifically, the Examiner has stated that the specification, as originally filed, fails to provide support for the limitation of "said charge storage layer surrounding said control layer trench" as claimed in claim 1. The Examiner has further stated that because the trench is circular it does not necessarily mean that the charge storage layer surrounds the trench.

It is noted that claim 1 explicitly recites that the control layer trench is formed in the charge storage layer ("a control layer trench formed in said charge storage layer"). A person

skilled in the art would logically understand from this language that the charge storage layer is circling the control layer trench. The word "surrounding" has been changed to "encircling" in order to even more clearly define the invention of the instant application.

The Examiner has also stated that the portion of the specification to which Applicant refers (Fig. 6 and its description) fails to provide support for "a control layer formed essentially on said surface of said second dielectric layer."

As can be seen from Fig. 6, the control filler layer 11', which is part of the control layer, is formed on the surface of the second dielectric layer 10. The other figures also clearly show that the control layer 11 is formed substantially on the surface of the second dielectric layer 10.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they

narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In view of the foregoing, reconsideration and allowance of claims 1-14 or an early issuance of a non-final Office action on the merits are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

For Applicant

YHC:cgm

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